IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

LIFE INSURANCE COMPANY OF NORTH AMERICA,

Plaintiff,

8:12CV196

vs.

ORDER APPROVING SETTLEMENT

ANTHONY COCO and HEATHER RUSSELL,

Defendants.

This matter is before the Court on the motion for settlement (filing 20) filed by Anthony Coco and Heather Russell. This is an interpleader action. Plaintiff Life Insurance Company of North America (LINA) was previously given permission to interplead the funds at issue with the Court and was dismissed from the action with prejudice. Filing 19. Coco and Russell have now reached an agreement regarding the disputed funds.

Coco and Russell have stipulated to the basic facts of the case, which the Court will summarize. Anthony Coco was married to Melissa Coco, now deceased. Filing 20 at ¶¶ 4–5. Heather Russell was a friend of the decedent. Filing 1 at ¶ 3. This case involves the proceeds from a life insurance policy issued by LINA to Melissa Coco. Filing 20 at ¶ 6. LINA filed this interpleader action because it was not clear whether Coco or Russell was the proper beneficiary under the policy. *See generally* filing 1. LINA deposited the entire amount of the proceeds at issue, \$20,000, with the Clerk of the Court.

Coco and Russell have agreed to settle and divide the proceeds. Russell will receive \$12,000 and Coco will receive \$8,000. Filing 20 at ¶ 8. Additionally, Russell will pay any remaining balance on the funeral bill of Melissa Coco at Ludvigsen Mortuary and hold Anthony Coco harmless thereon. Filing 20 at ¶ 8. Each party will pay their own costs and attorney fees. Filing 20 at ¶ 8. Finally, neither party admits any fault in this settlement, and both still claim to be the full beneficiaries of the policy. Filing 20 at ¶ 8. Both Coco and Russell averred they are competent adults, that they have been advised by counsel, and that they agreed to the current settlement freely, voluntarily, and in full understanding of its terms. Filing 20 at ¶ 3. The Court finds that the parties' settlement should be approved and the proceeds distributed as the parties have agreed. Accordingly,

IT IS ORDERED:

- 1. The deposited monies shall be distributed as follows:
 - a. Anthony Coco will receive \$8,000.
 - b. Heather Russell will receive \$12,000.
- 2. The Clerk shall issue drafts as stated above, and mail them to Coco's and Russell's respective counsel within 14 days of this Order.
- 3. Per the parties' settlement, this case is dismissed, each party to bear its own costs and fees.

Dated this 4th day of October, 2012.

BY THE COURT:

nited States District Judge